

06-15-05

DAC 2/17W

Docket No. 4649-4006US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): WAUGH et al.

Group Art Unit: 1635

Serial No.: 09/910,432

Examiner: Richard A. Schnizer

Filed: July 20, 2001

For: MULTI-COMPONENT BIOLOGICAL TRANSPORT SYSTEMS

**EXPRESS MAIL CERTIFICATE**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail Label No.: **EV 622 483 709 US**

Date of Deposit: **June 13, 2005**

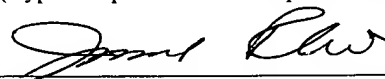
I hereby certify that the following attached paper(s) and/or fee

1. Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b);
2. Statement of Unintentional Delay in Reply by Applicant Under 37 CFR 1.137(b), with Exhibits 1 and 2;
3. Reply to Office Communication Pursuant to 37 CFR 1.137(b);
4. Check in the amount of \$665.00; and
5. Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Joanne Rhee

(Typed or printed name of person mailing papers(s) and/or fee)

  
(Signature of person mailing paper(s) and/or fee)

**Correspondence Address:**

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(212) 415-8701 Facsimile

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		Docket Number (Optional) <b>4649-4006US1</b>
First named inventor: <u>WAUGH et al.</u>		
Application No.: <u>09/910,432</u>		
Filed: <u>July 20, 2001</u>		
Art Unit: <u>1635</u>		Examiner: <u>Richard A. SCHNIZER</u>
<p>Attention: Office of Petitions  <b>Mail Stop Petition</b>          Commissioner for Patents          P.O. Box 1450          Alexandria, VA 22313-1450          FAX (703) 872-9306</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p style="text-align: center;"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ul> <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity-fee \$<u>665.00</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ _____.</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional (**SEE ATTACHED**). [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Joseph D. Eng Jr.*

Joseph D. Eng Jr.

June 13, 2005

Date

54,084

Registration No.

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101

212-415-8557

Telephone Number

Enclosures:



Fee Payment



Reply



Terminal Disclaimer Form



Additional sheets containing statements establishing unintentional delay



Other: \_\_\_\_\_

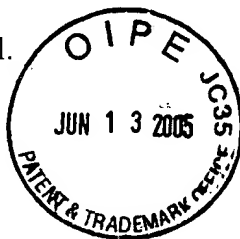
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): WAUGH et al.

Serial No.: 09/910,432

Filed: July 20, 2001

For: MULTI-COMPONENT BIOLOGICAL SYSTEMS



Group Art Unit: 1635

Examiner: Richard A. SCHNIZER

**STATEMENT OF UNINTENTIONAL DELAY IN REPLY BY APPLICANT UNDER 37  
CFR 1.137 (b)**

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On April 13, 2005 it came to our attention that the above mentioned application went abandoned due to applicant's failure to timely file a proper reply to the communication issued by the USPTO on September 17, 2004 ("Office Action"). I attest that the entire delay in filing said response was unintentional.

On June 22, 2004, a Withdrawal as Attorney and Change of Correspondence Address and the associated transmittal papers were submitted to the USPTO in which the mailing address of Morgan & Finnegan, L.L.P. was stated as the address to which all future correspondence regarding application number 09/910,432 be sent. As noted by the USPTO's public PAIR system, the papers were received on June 24, 2004 (*see* Exhibit 1, attached as an Appendix). Nevertheless, the Office Action issued on September 17, 2004 was sent to the address of the withdrawn attorney at Townsend & Townsend, L.L.P (*see* Exhibit 2, attached as an Appendix). We were not informed that an Office letter had been sent, and as a result we were not able to timely file a reply to the letter. On April 13, 2005, we received a voice message from

Examiner Richard Schnizer, who noted that no response had been filed within 6 months of the Office letter, and that the Office letter had been erroneously sent to the previous firm.

Accordingly, the abandonment of this application was unintentional and results from an error on the part of the USPTO. Applicants respectfully request the revival of this application.

**AUTHORIZATION**

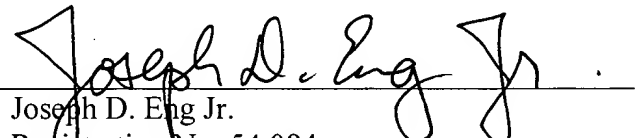
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4649-4006US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4649-4006US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

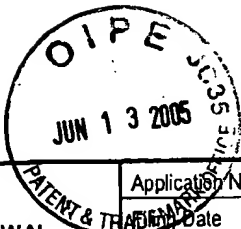
Dated: June 13, 2005

By:

  
\_\_\_\_\_  
Joseph D. Eng Jr.  
Registration No. 54,084

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(212) 415-8701 Facsimile



PTO/SB/03 (09-03)

**REQUEST FOR WITHDRAWAL  
AS ATTORNEY OR AGENT  
AND CHANGE OF  
CORRESPONDENCE ADDRESS**

Application Number	09/910,432
Filing Date	July 20, 2001
First Named Inventor	Waugh, Jacob
Art Unit	1635
Examiner Name	Schnizer, Richard A.
Attorney Docket Number	020154-000110US

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record
- ☐ all the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☒ all the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: at the request of applicant

**CORRESPONDENCE ADDRESS**

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ Customer Number

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Ken Sonnenfeld, Esq.				
Address	Morgan & Finnegan LLP				
Address	345 Park Avenue				
City	New York	State	New York	ZIP	10154
Country	United States of America				
Telephone	(212) 758-4800	Fax	(212) 751-6849		
Name	William B. Kezer				
Signature		Registration No.	37,369		
Date	June 22, 2004				

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

60244629 v1

**APPROVED**

2/16, TC/600  
2/12/04



Docket No. 4649-4006US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): 4649-4006US1

Group Art Unit: 1635

Serial No.: 09/910,432

Examiner: Richard A. SCHNIZER

Filed: July 20, 2001

For: MULTI-COMPONENT BIOLOGICAL SYSTEMS

**REPLY TO OFFICE COMMUNICATION PURSUANT TO 37 C.F.R. §1.137(B)**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper responds to an Office Communication issued on September 17, 2004 for the above-referenced case. This paper is being submitted as a reply pursuant to 37 C.F.R. §1.137(b) and accompanies a *Petition for Revival of an Application for Patent Abandoned Unintentionally*, which is filed concurrently herewith.

In the Office Communication of September 17, 2004, the Examiner requested Applicants to select one of the four following branching groups:

1.  $G_{n1}R_{n2}$  with  $n1$  = an integer from about 0 to about 20, and  $n2$  = an odd integer from about 5 – 25.
2.  $G_p-RGRDDRRQRRR-G_q$
3.  $G_p-YGRKKRRQRRR-G_q$ , wherein the subscripts  $p$  and  $q$  are independently an integer of from 0 to 20, and



4. Any positively charged fragment of HIV TAT that is not listed in 1, 2, or 3 above, wherein each non-identical fragment represents a patentably distinct positively charged branching group.

In response, Applicants elect the species corresponding to number 2 (i.e., the positively charged branching group corresponding to Gp-RGRDDRRQRRR-Gq). Applicants respectfully assert that this election is fully responsive to the Office Communication of September 17, 2004. Accordingly, revival of this application is respectfully requested.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

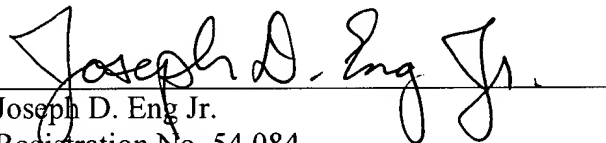
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this reply to Deposit Account No. 13-4500, Order No. 4649-4006US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: June 13, 2005

By:

  
\_\_\_\_\_  
Joseph D. Eng Jr.  
Registration No. 54,084

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